

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FRANK ANDOLINA,

Plaintiff,

v.

No. 09-CV-379 (TJM/RFT)

DEBORAH KENNY, CO BURNS,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub.L. 104-191, 110 Stat. 1936, was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated February 10, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

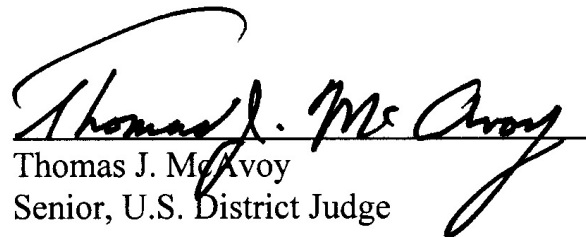
It is therefore,

ORDERED that Defendants' Motion to Dismiss (Dkt. No. 17) is **GRANTED** and

the Complaint (Dkt. No. 1) is **DISMISSED**. The Clerk of the Court is instructed to enter judgment in favor of Defendant and to close the file in this matter.

IT IS SO ORDERED

DATED: March 3, 2010


Thomas J. McAvoy
Senior, U.S. District Judge